

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/002566

International filing date (day/month/year)
23.07.2004

Priority date (day/month/year)
05.12.2003

International Patent Classification (IPC) or both national classification and IPC
B65B29/02, B65B47/04

Applicant
I.M.A. INDUSTRIA MACCHINE AUTOMATICHE S.P.A

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:

Authorized Officer



Patent Office, P.O. Box 5918, Patentplan 2



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/002566

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/002566

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|----------|
| Novelty (N) | Yes: Claims | 1-11 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 8,10 |
| | No: Claims | 1-6,9,11 |
| Industrial applicability (IA) | Yes: Claims | 1-11 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-4 437 294 (ROMAGNOLI ANDREA) 20 March 1984 (1984-03-20)

D2: US-A-4 034 536 (MAHAFFY REID A ET AL) 12 July 1977 (1977-07-12)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1 and discloses (the references in parentheses applying to this document):

an apparatus (1) for making pods (16) containing respective doses (16) of an infusion product, the apparatus comprising revolving drum conveyor means (23) with pockets (6) uniformly distributed on it; a line (9) for feeding a first web (9) of filter material which feeds the first web to the conveyor means ; actuating means (11) for moving the first web (9) against the pockets (6) on the revolving drum conveyor means (23) to form on the first web (9) a series of impression (16) and a second line (A) for feeding a second web (17) of filter material.

The subject-matter of claim 1 therefore differs from this known apparatus in that the actuating means further comprise for each pocket on the revolving drum conveyor means, at least one forming head coupled with the pocket itself, the forming head being mobile towards and away from the pocket so that it is pressed into the web and impresses the web in the pocket to form the respective impression; and suction means acting on the web at the pocket in synchrony with the forming head.

The problem to be solved by the present invention may therefore be regarded as how to form the impression on the first web.

The above additional features have already been employed for the same purpose in a similar apparatus, see document Do, column 4, line 36-column 8, line 33. It would be obvious to the person skilled in the art, namely when the same result is to be achieved,

to apply these features with corresponding effect to the apparatus according to document D1, thereby arriving at an apparatus according to claim 1.

3. Dependent claims 2-6,9,11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, see document D2 and the corresponding passages cited in the search report.

The combination of the features of dependent claims 8,10 is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:

The cam drive system described in claim 8 and the compensating means of claim 10 produce deep and ample impressions allowing the formation of pods of consistent weight, without creases on the web and at the same time all the pods will contain the same amount of infusion product.